HONOURABLE SRI JUSTICE C.Y.SOMAYAJULU

-

Writ Petition No. 2094 of 1996

Dated: 29-07-2005

Between:

Chinthaginjala Mallappa S/o Gangaiah
R/o. P.K.Layout, 13-6-600/27, Tirupati, Chittoor District.

..... PETITIONER

AND

1. The Sub-Registrar of Assurances and Registration,
Renigunta, Chittoor District and another.

.....RESPONDENTS

HONOURABLE SRI JUSTICE C.Y.SOMAYAJULU

-

Writ Petition No. 2094 of 1996

-

ORDER:

This writ petition is filed questioning the action of the first respondent in refusing to register a document on the ground that the second respondent-Mandal Revenue Officer, Tirupati Rural, directed him not to register the documents pertaining to the lands in R.S.No.46, Daminedu village, Tirupati Rural Mandal, Chittoor District.

2. The contention of the first respondent is that the petitioner is claiming ownership by virtue of a patta granted to him and since an appeal is preferred against the order granting patta, the title of the petitioner is not clear and so question of registering a document in respect of the land, for which the petitioner has no clear title, does not

arise.

3. It is well known that registration *per se* will not confer title on the purchaser if the vendor has no title to the property conveyed thereunder. Registration is only for the purpose of keeping a record relating to a land transaction.

4. It is only when a government, by notification, in the official gazette, declaring that the registration of any document or class of documents is opposed to public policy, notwithstanding anything contained in sub-section (1) of Section 22 of the Stamps and Registration Act, the Sub-Registrar shall refuse to register any document. Therefore, the first respondent cannot refuse registration of a document unless there is a gazette notification in the official gazette by the government prohibiting registration of certain class of documents. Since no such notification admittedly is issued, the first respondent refusing registration of the document is improper. Hence, the petition is allowed and the first respondent shall register the document presented by the petitioner, if it is in accordance with the provisions of the Stamps and Registration Act.

5. Accordingly, the writ petition is allowed. No costs.

_____

C.Y.SOMAYAJULU, J.

Dated: 29th July, 2005.

cs